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09/519,935	03/07/2000	Tom Wucherer	M-8331-US	9780

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EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/519,935

Applicant(s)

WUCHERER ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-37, 40-48, 50, 52-58 and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) 38, 39, 49, 51 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-37, 40-48, 50, 52-58 and 60-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/02, 91802111802.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claim Status: 32-37, 40-48, 50-58, 60-64, are rejected. 1-31, 38, 39, 49, 51, and 59 are canceled.
2. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "said first type and second type of application program".

There is insufficient antecedent basis for this limitation in the claim.

It's unclear if the first and second data belongs to the same application program, and running on different computer or they are different application programs and runs in one or different computers. First and second limitation does not clarify. Clarification is required in the claim language.

5. Claim 1 recites the limitation "any of at least one of." There is an ambiguity in this limitation. It's unclear if the claim language claims at least one of, which means one of the application programs claimed, how can the claimed invention claims any of one, it's either one of many of at least of. Examiner will interpret the "any of" as a redundant and will examine the claim accordingly.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-37, 40-48, 50-58, and 60-64, rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US Patent No. 5,913,907), and further in view of Krause (US Patent No. 5,950,206).

Regarding Claim 32, Davies discloses all the steps of managing distributed data, (see column 4, lines 19-23, Davies), with the exception that is the data is not explicitly applied to a construction project. However, Krause discloses a method for managing the design and building of a construction project (see Fig. 5, Krause), the method being executable by a host computer system for processing and organizing building construction document and in particular, to an apparatus and method for searching, tracking and organizing building projects (see column 1, line 8- 12, Krause). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Davies invention to apply to construction projects as (see column 1, lines 8-25, Davies), as suggested by Krause. The motivation would have been to manage distributed data, expand the utility of the Davies system and thereby increase the usable market share. Also, the software needs to run on some type of platform.

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receiving a first type of data for the construction project input by a first application program of at least a first type running on a first computer system to a central database (see Fig. 1, step 405, step 425, Davies)

receiving a second type of data for the construction project input by a second application program of at least a second, different type running on a second computer system to said central database (see Fig. 2, step 405, column 4, lines 26-28, Davies)(see column 3, lines 26-35, Krause);

generating a first message indicating a modification of the first data (see column 4, lines 1-8, Davies);

transmitting the first message to the second computer system (see column 6, lines 56-61, Davies);

wherein said first application program and second application program of application program comprise any of at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application (see Fig. 4, column 5, lines 51-58, Krause).

Regarding Claim 33, the combined teaching of Davies and Krause disclose a method wherein receiving first type of data and receiving second data further comprises:

receiving said first and second data for storage into said central database via respective first and second interface databases (see Fig. 1, step 425, Davies).

Regarding Claim 34, Davies and Krause combination system discloses a method wherein the method further comprises the host computer system reading the first type of data stored in the

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first interface database and notifying the second computer prior to storing the read first type of data in the central database (see Fig. 8 step 804, Davies).

Regarding Claim 35, Davies and Krause combination system discloses a method wherein the method further comprises the host computer system monitoring the first interface database for predetermined changes to data stored therein, wherein the host computer system generates the first message in response to the host computer system detecting that the first data is stored in the first interface database (see Fig. 2, step 115, Davies).

Regarding Claim 36, Davies/ Krause disclose a method wherein the central database is in data communication with the host computer system, wherein the host computer system stores the first type of data in the central database in response to the host computer system detecting that the first type of data is stored in the first database (see Fig. 1, Davies).

Regarding Claims 37, 40, 50, 52, 54, 58- 60, and 62- 64, Davies/ Krause disclose a method wherein the first type of data comprises an object-oriented representation of a component of a construction project (see column 1, lines 8- 25, Krause).

Regarding Claims 41, 43, 44, 57, Davies discloses a method further including the steps of monitoring a plurality of transactions to the first interface database, wherein each of the plurality of transactions store data in the first interface database, wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction;

detecting a match between one of the plurality of transactions to the first database and the predetermined transaction;

generating said first message wherein said first message indicates that first type of data has been stored in the first data base by the one of the plurality of transactions (see Fig 2, step 115, Davies);

transmitting the first message to the second computer system (see Fig. 8 step 804, column 6, lines 40-43, Davies).

Regarding Claim 42, Davies/ Krause discloses a method wherein further comprises:

reading the first type of data stored in the first database in response to the host computer detecting the match (see Fig. 1 step 405, Davies);

translating the first type of data into translated first data in response to the host computer detecting the match (see Fig 2, step 115, Davies);

storing the translated first type of data into another interface database in data communication with the host computer system in response to the host computer detecting the match (see Fig 2, step 405, Davies);

wherein the host computer system is configured to read the first data from the first interface database and the second data from the second interface database and store the first and second data in the central database (see Fig 2, step 100, Davies).

Regarding Claims 46, and 47, Davies/ Krause discloses a system wherein the host computer system is configured to monitor a plurality of transactions to a first database, wherein each of the plurality of transactions stores data in the first interface database (see Fig 1, Davies).

Regarding Claim 48, Davies/ Krause discloses a system wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction (see Fig 6, Davies).

Regarding Claims 45, and 53, Davies/ Krause Discloses an apparatus comprising:

a host computer system coupled to a network (see Fig 1, step 415);

a central database of construction project objects in data communication with the host computer system (see Fig. 1, step 105, Davies);

first and second interface databases of project objects of at least a first and second types of application software, respectively, in data communication with the host computer system (see Fig 1, step 400, Davies);

first and second computer systems including at least said first and second types of application software, respectively, in data communication with the first and second interface databases, respectively (see Fig. 3, 52, Krause<sup>1</sup>);

wherein the first interface database is configured to store first type of data received from the first computer system running a first software application of at least a first type (see Fig. 2, 32, Krause);

wherein the second interface database is configured to store second type of data received from the second computer system running a second software application of at least a second type (see Fig. 2, 34, Krause);

wherein the host computer system is configured to read the first type of data from the first interface database and the second type of data from the second interface database and store the first and second data in the central database (see Fig. 2, 42, Krause); and

wherein said first type and second type of application program comprise any of at least one of a computer aided design software application, a design database application, a

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<sup>1</sup> Since the system request User ID and Password, it's inherent there are more than one user

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procurement application, a facilities management application, or an accounting application (see Fig. 4, column 5, lines 51-58, Krause).

Regarding Claim 55, Davies/ Krause discloses a method operating on a host computer system coupled to the Internet to manage the design and building of a construction project, comprising:

storing first data received from a first computer system in a database, wherein the first computer system operates at least a first type of application software and provides first data comprising construction project objects of a first type; generating a first message corresponding to a request to approve or reject storing the first data in the database (see Fig. 1 step 105, Davies);

transmitting the first message to a second computer system, wherein the second computer system is in data communication with the host computer system and the database and operates at least a second type of application software providing construction project objects of a second type (see Fig 8, step 804, Davies);

the second computer system generating a second message corresponding to an approval or rejection of storing the first data in the database (see Fig 8, step 804, Davies);

removing the first data from the database if the second message corresponds to the rejection of storing the first data in the second database, or maintaining the first data in the second database if the second message corresponds to the approval of storing the first data in the database (see column 3, lines 57-64, Davies).

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Regarding Claim 56, Davies/ Krause discloses a method wherein the method further comprises the second computer transmitting the second message to the first computer system (see Fig 4, step 310, Davies).

Claims 39, 51, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US Patent No. 5,931,907) in view Krause as applied to claims above, and further in view of Burfield (US Patent No. 6,363,362).

Regarding Claims 39, 51, 61, Davies/Krause combination system does not disclose a method wherein the first or second type is accounting software. However, on the other hand Burfield discloses a method wherein the first or second type is accounting software (see column 3, lines 15-20, Burfield). It would have been obvious to one of ordinary skill in the art to modify the Davies/Krause combination system with Burfield' s software. The motivation would have been to expand the utility of the Davies system and thereby increase the usable market-share. Also, the software needs to run on some type of platform.

### ***Response to Amendment***

Applicant argues, "the Examiner refers to claim 1, and there is no claim 1, since 1-32 were canceled."

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Examiner referees to the first claim as claim 1. However the 112 rejections in maintained to Claim 32, which is the first claim.

Applicant argues that the combined references fail to disclose.”

Examiner disagrees. Refereeing to Col. 5, and 6, lines 59-67, and 1-8, respectively, Krause discloses the use of different types of data running on a second computer, since the data can be stored on a CD-ROM and can be located on same or separate storage devices clearly provides different type of data on a second computer.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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### **Points of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013 . The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
March 22, 2005



**ALFORD KINDRED**  
**PRIMARY EXAMINER**